

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC., FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO PROVIDE WATER SERVICES TO)	
SIX PARCELS OF LAND LOCATED IN DUCK)	PSC DOCKET NO. 04-CPCN-21
CREEK HUNDRED, AND TO TWENTY-SEVEN)	(SOUTHWEST CLAYTON)
PARCELS OF LAND LOCATED IN KENTON)	
HUNDRED, NEAR THE TOWN OF CLAYTON,)	
KENT COUNTY, DELAWARE (FILED AUGUST)	
20, 2004 AND AMENDED SEPTEMBER 22,)	
2004 AND OCTOBER 6, 2004))	

IN THE MATTER OF THE APPLICATION OF)	
ARTESIAN WATER COMPANY, INC. TO)	
ABANDON UNDER 26 <i>DEL. C.</i> §203A(d))	PSC DOCKET NO. 15-1591
WATER SERVICES PROVIDED UNDER A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY (FILED NOVEMBER 24, 2015))	

ORDER NO. 8841

AND NOW, this 5th day of January, 2016, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on November 23, 2004, in Order No. 6513, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian Water Company, Inc. ("AWC") to provide water services for 33 parcels of land in Kent County identified as "Southwest Clayton;" and

WHEREAS, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on November 24, 2015, AWC submitted an application (the "Application") to the Commission which sought approval to abandon or discontinue providing water operations or service for one parcel of

land that is included in the CPCN previously granted to AWC in Order No. 6513, specifically Kent County Tax Map Parcel Numbers 3-00-027.00-01-41.07 (the "Parcel"); and

WHEREAS, AWC has not requested any change with respect to the other thirty-two parcels of land, and as such, these other thirty-two parcels remain included in AWC's existing water CPCN pursuant to Order No. 6513 and are not affected by this Order; and

WHEREAS, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Application because it believes that AWC has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). First, the abandonment is reasonable because AWC has stated that it does not currently supply water service to any customers located on the Parcel as the company does not have infrastructure in close proximity to the property. Second, it is necessary as the owner of the Parcel requested in writing that AWC abandon providing water

service for the Parcel. Lastly, the Company was notified by the owner of the Parcel that a well on the property is failing and the Parcel is in urgent need of alternative water supply. Moreover, the owner of the Parcel also stated the Parcel is next to a subdivision which receives water from Tidewater Utilities and the main for that subdivision passes in front of the house which could serve them with water. Hence, Staff finds that the abandonment will not be unduly disruptive to the present or future public convenience and necessity because the owner of the Parcel and any future customers should be able to seek water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves AWC's Application.
2. AWC shall, consistent with our previous practices, provide to the landowner of the Parcel (specifically identified by the Kent County Tax Map Parcel Numbers 3-00-027.00-01.41.07) at least 30 days' prior written notice of AWC's abandonment of water services. AWC shall provide proof of such written notice to Commission Staff on or before February 29, 2016.
3. Except for the specific removal of the Parcel from its currently-existing CPCN, AWC shall retain its CPCN as granted in Order No. 6513.
4. AWC is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. §114(b)(1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or

proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary